

### REMARKS

Claims 41-61 are pending, with claims 41, 59 and 61 being independent. Claims 1-40 have been cancelled. By way of this amendment, new claims 41-61 are added.

Claims 1-18 stand rejected as obvious over U.S. Patent No. 6,505,519 (Henry) and U.S. Patent No. 6,318,156 (Dutton). Applicant submits that these rejections are obviated in view of the cancellation of these claims.

Applicant thanks Examiner Thompson for the courtesy of conducting an interview with Applicant's representative, Kevin Greene, on August 16, 2005. During the interview, a claim similar to newly submitted claim 41 was discussed, along with the Henry and Dutton references. During the interview, Applicant's representative submitted that neither of these references described or suggested a system that includes "a gas void fraction sensor operable to measure a gas void fraction in a flow of fluid [and] a flowmeter [that includes] a controller connected to . . . receive the measured gas void fraction from the gas void fraction sensor [and] being operable to determine a first flow rate of a first phase within the flow of fluid based on the measured gas void fraction received from the gas void fraction sensor, and determine a second flow rate of a second phase within the flow of fluid based on the measured gas void fraction received from the gas void fraction sensor." The Examiner indicated that she would need to further consider the Henry and Dutton references and, therefore, could not agree on this point at that time.

Applicant again submits that claim 41, and those claims that depend from it, are patentable over Henry and Dutton for at least these reasons. If, upon further review of Henry or Dutton, it is the Examiner's belief that the claims are not patentable over these references, Applicant asks that the Examiner contact Applicant's representative, Kevin Greene, before taking further action so as to expedite prosecution by addressing any issue related to these references. Furthermore, Applicant submits that new independent claims 59 and 61, and any claims depending from them, are also patentable over Henry and Dutton.

The cancellation of claims 1-40 should not be construed as any concession by the Applicant with respect to the patentability or interpretation of those claims, or the Examiner's

Applicant : Wade Mattar, et al  
Serial No. : 10/773,459  
Filed : February 9, 2004  
Page : 8 of 8

Attorney's Docket No.: 12780-027001 / 02,013

characterization of the cited art, and Applicant reserves the right to pursue those claims and others in one or more continuation applications.

Enclosed is a \$780 check for the Petition for Extension of Time fee, excess claim fees and late submission of Information Disclosure Statement fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

8/17/05



Kevin E. Greene  
Reg. No. 46,031

Fish & Richardson P.C.  
1425 K Street, N.W.  
11th Floor  
Washington, DC 20005-3500  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331